

REMARKS

Claims 2-23 are pending and all are rejected. Claims 24-34 have been added. No new matter has been introduced.

Claim Rejections

Claim 19 is rejected under 35 U.S.C. §112, second paragraph, as lacking antecedent basis for the limitation "a surrounding surface of." Applicant disagrees with this rejection.

Applicant submits that the limitation "an array of skin penetrating elements extending integrally from a surrounding surface of the backing to a tip, the skin penetrating elements sized to avoid contact with nerves below the epidermal skin layer" is expressed with a reasonable degree of clarity and precision to define the claimed invention, which is all that is required. Support for this limitation can be found, for example, at Fig. 2 and page 4, lines 24-27. As noted by MPEP §2173.05(e), "[t]here is no requirement that the words in the claim must match those used in the specification disclosure." Applicant respectfully requests withdrawal of this rejection.

Claims 4, 10, 16, 17, 19, 20 and 23 are rejected under 35 U.S.C. §102(b) as being anticipated by Reed et al. (U.S. Patent No. 5,312,456) and claims 2, 3, 5-9, 18, 21 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Reed et al.

Applicant maintains that Reed et al. fail to disclose or suggest at least the limitation of "wherein the array of skin penetrating elements, including each retention barb, is formed integrally from a single plastic resin." As set forth by Applicant's previous remarks and supported by the declaration previously submitted under 37 C.F.R. §1.132, the masking and etching techniques of Reed et al. could not be used to form the overhanging barbs using "a single plastic resin," as required by claim 19.

Applicant respectfully requests reconsideration of dependent claims 2-18 and 20-23 in light of the above. Applicant also requests examination of added claims 24-34.

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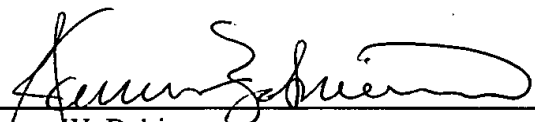
Attorney's Docket No.: 05918-153001 / 4131

An Information Disclosure Statement is submitted herewith citing CN1190904A and U.S. Patent Nos. 6,312,612 and 6,451,240 for consideration by the Examiner.

Enclosed is a \$180 check for excess claim fees. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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